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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JASON GOODMAN,

Plaintiff,

-v-

CHRISTOPHER ELLIS BOUZY, *et al.*,

Defendants.
-----X

**REPORT AND
RECOMMENDATION**

21-CV-10878 (AT) (JLC)

JAMES L. COTT, United States Magistrate Judge.

To the Honorable Analisa Torres, United States District Judge:

In its Order and Report and Recommendation dated May 8, 2023 (“May 8 R & R”), the Court recommended that the claims against defendants Academy of Television Arts & Sciences (“ATAS”), Adam Sharp (“Sharp”), and Margaret Esquenet (“Esquenet”) in the amended complaint be dismissed *sua sponte*. *See* May 8 R & R (Dkt. No. 203), at 43. In the May 8 R & R, the Court observed that all of plaintiff Jason Goodman’s claims against all defendants, including defendants ATAS, Sharp, and Esquenet, lacked merit and that no further judicial resources should be expended in evaluating them in additional motion practice. *Id.* at 44.

Defendants ATAS, Sharp, and Esquenet, in order “to preserve their rights to be heard on [their] motion to dismiss” if the Court’s recommendation is not adopted, have now filed a joint motion to dismiss the amended complaint in its entirety. *See* Memorandum of Law in Support of Joint Motion to Dismiss (“Def. Mem.”), Dkt. No. 206, at 1; *see also* Notice of Joint Motion to Dismiss (Dkt. No. 205). Goodman

opposed the motion in papers filed on May 26, 2023 (Dkt. No. 213), and defendants filed reply papers today (“Def. Reply”) (Dkt. Nos. 223–25).

For the reasons set forth in its May 8 R & R, the Court recommends that the claims against ATAS, Sharp, and Esquenet be dismissed. It hereby incorporates its prior analysis and will not repeat it here. Moreover, given that Goodman filed virtually the same allegations against these defendants in a case before Judge Caproni, and that she dismissed them without leave to amend, *see Goodman v. Sharp*, No. 21-CV-10627 (VEC), 2022 WL 2702609, at *6 (S.D.N.Y. July 12, 2022), the claims against them here are also barred by the doctrine of *res judicata*. *See* Def. Mem. at 7–11; Def. Reply at 2–5. Goodman should not be permitted to continue to file the same allegations against these defendants in multiple lawsuits. Accordingly, as requested by defendants ATAS, Sharp, and Esquenet (and as the Court previously recommended with respect to defendants Wittes and Jankowicz), a filing injunction should be imposed barring any future filings by Goodman in this District against them without first obtaining leave of court to do so. *See* May 8 R & R at 34–38.

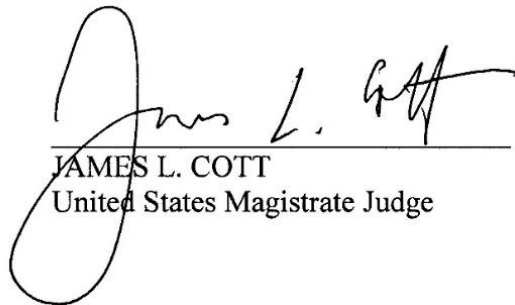
PROCEDURE FOR FILING OBJECTIONS

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file any objections. *See* Fed. R. Civ. P. 6(a), (b), (d). A party may respond to any objections within fourteen (14) days after being served. Such objections, and any responses to objections, which will be subject to *de novo* review, shall be filed with the Clerk of Court, with

courtesy copies delivered to the chambers of the Honorable Analisa Torres and the undersigned, United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Torres.

**FAILURE TO FILE OBJECTIONS WITHIN FOURTEEN (14) DAYS
WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE
APPELLATE REVIEW.** 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010).

Dated: June 12, 2023
New York, New York



JAMES L. COTT
United States Magistrate Judge